

1                   The second form is a voice radio,  
2   Motorola voice radio that they can verbally talk  
3   on and communicate with the dispatcher.

4           Q.   So the communication devices are to permit  
5   them to communicate with Nicor employees?

6           A.   Correct.

7           Q.   Following the blue tagging of the building  
8   following the repair of the report leak and  
9   speaking with the tenants, do you feel that any  
10   further notification was necessary?

11          A.   No.

12          Q.   Okay.

13          MS. NAUMER:   Just one second.

14                   I have nothing further.

15          JUDGE DOLAN:   Okay.   Mr. Jakubik, do you want  
16   to do cross-examination?

17          MR. THOMAS JAKUBIK:   Okay.

18          JUDGE DOLAN:   Proceed.

19                   CROSS-EXAMINATION

20                   BY

21                   MR. THOMAS JAKUBIK:

22          Q.   You stated on August 15th you called me

1       when you were there doing the relight after the  
2       meter exchange?

3           A.    Correct.

4           Q.    How did you make the call?

5           A.    On my cell phone.

6           Q.    Okay.  So you do have phones?

7           A.    I, as supervisor and management of  
8       employees, am entitled to a car phone.

9           Q.    Is it possible from your Motorola system  
10       that a fieldworker would call in to dispatch and  
11       get connected to a landline?

12          A.    No.

13          Q.    On a Motorola system you can't dispatch  
14       and get connected to a landline?

15          A.    Not on our system.

16          Q.    And dispatch wouldn't call anyway?

17          A.    No, dispatch as far as -- a dispatcher can  
18       call a customer, yes.  A dispatcher can call.  
19       They have the phone at their desk.

20          Q.    Right.  So that the operator has a way of  
21       communicating outside; correct?

22          A.    The dispatcher has a way of communicating

1 to a customer through a phone.

2 Q. Correct.

3 A. A mechanic or a service personnel in the  
4 field, no, would not have a --

5 Q. If you need to make a call, they can  
6 transfer it? They could somehow communicate to  
7 get to an outside line?

8 A. No, they cannot.

9 Q. If the dispatcher calls -- if the operator  
10 calls the dispatcher and says, Hey, can you call  
11 this number and check this out, the dispatcher is  
12 not allowed to make a phone call?

13 A. The dispatcher is allowed to make the  
14 phone call, but there is no -- you cannot  
15 transfer a landline to --

16 Q. Can they relay information?

17 A. They can relay information, yes. They  
18 could talk.

19 Q. So they do that on a regular basis?

20 A. If they need a phone call made or  
21 something.

22 Q. Okay. Let's see, we go to -- I think I

1 gave you a document. It's a -- it looks like a  
2 printout of a computer screen. It's -- it has a  
3 list of your ticket numbers on it. It starts at  
4 April 3rd, '00. It goes to --

5 THE WITNESS: Can I get a copy of that?

6 MS. NAUMER: Just one minute. The witness  
7 doesn't have a copy.

8 MR. THOMAS JAKUBIK: It was in the stack. I  
9 gave him a stack.

10 MS. NAUMER: You gave me a stack. Is this it?

11 MR. THOMAS JAKUBIK: Yeah. Yes, it is.

12 JUDGE DOLAN: Now, which page are you talking  
13 about?

14 MR. THOMAS JAKUBIK: Print screen. It starts  
15 at the -- at the bottom it has a first date of  
16 April 3rd, '00.

17 JUDGE DOLAN: Okay.

18 MR. THOMAS JAKUBIK: The last date is  
19 10/25/02.

20 JUDGE DOLAN: Okay.

21 BY MR. THOMAS JAKUBIK:

22 Q. I'm referring to the CAD tickets on the

1 right side.

2 A. Okay.

3 Q. The first three CAD tickets we've already  
4 discussed. Okay?

5 A. From the bottom?

6 Q. No, from the tomorrow. I'm sorry.

7 0186, 0240 and 0283 we've already  
8 discussed.

9 Today you presented a CAD ticket which  
10 is the second from the bottom, 0177.

11 A. Uh-huh.

12 Q. Is there a reason that wasn't provided  
13 before?

14 MS. NAUMER: I'm sorry, which one?

15 MR. THOMAS JAKUBIK: 0177.

16 MS. NAUMER: You know, I believe we -- to the  
17 extent this was not provided, it was an  
18 oversight. I don't think that we were aware of  
19 the discrepancy.

20 To the extent it wasn't, however, this  
21 is information that was already -- the  
22 information itself was already contained in

1 Exhibit 8. The information was traced back over  
2 to it, I believe.

3 Yeah, it's line -- the fifth line from  
4 the bottom shows the completed action.

5 BY MR. THOMAS JAKUBIK:

6 Q. Okay. Would you say the CAD ticket is a  
7 little more explan- -- has more of an explanation  
8 to it than this printout of the computer screen?

9 A. The order history is a brief summary of  
10 it. A CAD ticket, yes, would give you detailed  
11 information.

12 Q. So you didn't have that. Okay.

13 Can you then tell me where the copy of  
14 the CAD tickets for 0358, 0072, 0137 --

15 JUDGE DOLAN: Let's take them one at time.

16 Okay?

17 BY MR. THOMAS JAKUBIK:

18 Q. All right. Where is CAD ticket 0358?

19 May I back up a second? Let me drop  
20 that.

21 If we refer to CAD ticket 0186, okay?

22 A. Okay.

1           Q. Each one of these -- and you have copies  
2 of these. There is a -- several print screens on  
3 these things, which means that every CAD ticket  
4 would have several sub-tickets or explanations or  
5 whatever you want to say about it.

6           That is -- 086 has a description, and it  
7 has several pages to it. Is that common with all  
8 CAD tickets?

9           A. A CAD ticket could possibly have, like,  
10 three or four, yes.

11          Q. Okay. All right. So if we go over the  
12 CAD tickets we did receive, which the next one  
13 was 0240, there are also three pages to it?

14          A. Yes.

15          Q. It gives more description.

16                 So then I go down to the CAD tickets  
17 0358, which I was asking before, there would be  
18 several pages to that. Could you tell me where  
19 those pages are?

20          A. The first one I can tell you is 0358. You  
21 see that it says it's a code 110. That will be  
22 handled out of our metering department. That is

1 just a read call. You see CO complete. CO  
2 complete says it was not done on a CAD ticket.  
3 It was done on paper document, and it was to read  
4 the meter.

5 Q. Okay. And how -- and the next one, 0072?

6 A. 072, I don't understand why, myself, why  
7 there's two -- two of the file numbers. The 72  
8 indicate a file number. And, again, it was an  
9 instance where in 11-B or in a 110 indicates that  
10 it needs to be reread.

11 Q. Is there some kind of a -- more of an  
12 explanation than just this line?

13 A. Without having it here, I don't have a  
14 possibility of looking up the 11-B and the 110.

15 Q. Okay. How about the next CAD ticket,  
16 0137?

17 A. 0137 is the 768 on that day on  
18 August 15th.

19 Q. Where would you think following pages are?

20 A. I don't know what you were provided. I  
21 don't know what he was provided. I mean, there's  
22 probably -- with each one of these tickets

1       there's an additional page.

2           Q.    Okay.   How about 0304?

3           A.    0304, there will not be one because what  
4       happened there is, you see in the work status,  
5       the ticket was interrupted and it was then  
6       completed later.   And you'll see a 64-R in the  
7       next bottom line.   That's how that ticket was  
8       completed then.   The 64-R meaning that the call  
9       kind of got, like, rescheduled but then it was --  
10      the work status was that it was field completed.

11          Q.    Okay.   Where is CAD ticket 0315?

12                That's the one that we're talking about.  
13      That's the completed one.

14                Well, we never got it.   So, how about  
15      CAD ticket 0009?

16          A.    009, that was meter reading ticket.   It  
17      was showing that you took service over on that  
18      day, April 3rd of 2000.   And it's just a reading  
19      ticket showing establishing a new customer at  
20      that address.

21          Q.    And there wouldn't be any other screens  
22      behind it or forward or anything like that?

1 A. No.

2 Q. Okay. So we have several tickets that we  
3 don't have.

4 Let's go to your exhibit. Your  
5 Exhibit 8.

6 Okay. Can you explain to me how you're  
7 instructed to contact people for meter  
8 replacements?

9 A. So if I have a meter --

10 Q. I'm saying the owner.

11 A. Meter exchange at an address?

12 Q. Correct. Particularly 1711 Victoria  
13 Drive.

14 A. I would send letter 57, the first letter,  
15 to go out, wait for a response. If I don't get a  
16 response, I would escalate it to letter 213.  
17 From there, it would end up getting posted.

18 Q. Uh-huh.

19 A. And if there was still no contact, we  
20 changed the meter.

21 Q. Can you tell me what area of the -- how  
22 large is the area that you would be responsible

1       for replacement of this meter? Does that include  
2       Palatine, Mount Prospect, Arlington Heights,  
3       Des Plaines?

4       A. My area was from the Lake from Chicago,  
5       not including Chicago, but up to Evanston border  
6       up north to Kenilworth, out west to Northbrook,  
7       Mount Prospect, Des Plaines. Mount Prospect was  
8       the furthest west that I'd ever go.

9       Q. How about north?

10      A. North would be Northbrook, Deerfield.  
11      South would be --

12      Q. Do you up to Deerfield?

13      A. There was only a couple of accounts in  
14      Deerfield.

15      Q. All right. Well, if you're on Deerfield  
16      and you're going west, you'd cover Wheeling?

17      A. I do not cover -- I would not have --  
18      Wheeling would not be my area.

19      Q. So these procedure that you have are  
20      typical through out the company; correct?

21      A. For every supervisor, yes.

22      Q. And they generally don't vary from that;

1 right?

2 A. I don't believe so, no.

3 Q. Okay. On your ticket -- or your  
4 Exhibit 12, if you go down about 15 lines down,  
5 it says computer call ahead, denied. Then it has  
6 a telephone number. What does that represent?

7 MS. NAUMER: Hang on.

8 THE WITNESS: Hang on till I get 15.

9 Computer call ahead. It says deny there  
10 in the middle of the page. That was a program  
11 that was put in with the CAD system. However, it  
12 really never worked the way it was sold to us.  
13 So it hasn't even worked.

14 BY MR. THOMAS JAKUBIK:

15 Q. What would be its function in the design?

16 A. The premise around that was if a customer  
17 had scheduled an order, the mechanic when he  
18 accepted that ticket would highlight it in his  
19 CAD terminal and hit the button that's on his CAD  
20 terminal that would say call ahead. And it  
21 would -- the computer system would automatically  
22 generate a general call within the number that

1 was provided when the customer scheduled the  
2 order. And it would just be a general order. It  
3 says Nicor Gas is on the way.

4 Q. Okay. If you look to one your computer --  
5 let's see, CAD forms dated 10/25.

6 MS. NAUMER: I'm sorry, what exhibit are you  
7 on?

8 MR. THOMAS JAKUBIK: This is ticket number --  
9 0186 is the last digits.

10 MS. NAUMER: It should have an exhibit number  
11 on the top right corner.

12 MR. THOMAS JAKUBIK: Well, I don't know. Let  
13 me see.

14 JUDGE DOLAN: It's Exhibit 18.

15 MS. NAUMER: Okay. Thank you.

16 MR. THOMAS JAKUBIK: Well, my Exhibit 18 is  
17 different than your Exhibit 18. We got two  
18 copies of it. Must be a different page.

19 MS. NAUMER: It's Exhibit 17.

20 MR. THOMAS JAKUBIK: Yes, it is.

21 BY MR. THOMAS JAKUBIK:

22 Q. Then if we go down -- again, it says,

1 Computer call ahead, allowed. First, it was  
2 denied. Now it's allowed.

3 A. And there's two reasons for that. The  
4 call that you were -- the first one, whatever  
5 exhibit that was, where it said denied --

6 JUDGE DOLAN: 12.

7 THE WITNESS: That call was issued as an  
8 emergency call, so we are not -- you cannot call  
9 a customer on a gas leak call because of the  
10 potential safety problem with an explosion. The  
11 call here on Exhibit 17, turn on, and the system  
12 with allow it there.

13 BY MR. THOMAS JAKUBIK:

14 Q. Yeah, but you're saying the system doesn't  
15 function.

16 A. It does not function but the part of the  
17 program is still in there but it doesn't work.

18 Q. So then, even though it says it's allowed  
19 to make a call, you have no idea if it's ever  
20 been made.

21 A. In this instance --

22 Q. The system doesn't function.

1           A. Well, in this instance, the instructions  
2 tell the mechanic that a call needs to be made to  
3 Tobey, and what the mechanic will do is send a  
4 message to the dispatcher saying, Call this one,  
5 I'm ten minutes away.

6           Q. Oh, so then the dispatcher -- so the  
7 mechanic can get an outside line as we talked  
8 about; right?

9           A. The mechanic cannot get one from his  
10 truck, but the dispatcher could make the call for  
11 him.

12          Q. So if he needed to talk to somebody about  
13 a disconnection, he could figure out a way to do  
14 that, correct, and call the customer?

15          A. Can you rephrase that.

16          Q. If he's at a site and he needs to contact  
17 the owner of the property, he has the ability to  
18 do that?

19          A. Through the dispatcher.

20          Q. Correct, which is what you're stating  
21 here. He had the ability at this instance to  
22 call Tobey?

1           A.   The dispatcher did, yes.

2           Q.   Right.

3           A.   Not the service personnel.

4           Q.   Which relayed the information to the  
5 service personnel; correct?

6           A.   The service person cannot make a phone  
7 call and cannot --

8           Q.   I understand that.   But he relayed the  
9 information?

10          A.   Who relayed --

11          Q.   Service personnel talked to dispatch,  
12 dispatch talked to Tobey, Tobey talked to  
13 dispatch, dispatch talked to service personnel?

14          A.   Dispatch sends him a message back,  
15 correct.

16          Q.   Right.

17          A.   If he got ahold of Tobey.

18          Q.   Right.

19                So he does have a way of communicating  
20 on the outside to make phone calls; doesn't he?

21          A.   No, he does not.

22                The service person does not have the

1       capability to make a phone call. He has a  
2       dispatcher that could make the phone call for  
3       him.

4           Q.    Correct.

5           A.    Correct.

6           Q.    Right. He does have access to the outside  
7       world through the dispatcher?

8           A.    Correct.

9           JUDGE DOLAN: All right. I think that's been  
10       established, so let's move on.

11       BY MR. THOMAS JAKUBIK:

12           Q.    How do you -- when you sit down at the  
13       computer and you send these letters, how do you  
14       send these letters? Do you physically handle  
15       them?

16           A.    No, I do not.

17           Q.    And they go from you to where? Where do  
18       they actually leave the facility and what  
19       facility do they actually leave?

20           A.    The facility that they would leave would  
21       be the corporate office in Naperville.

22           Q.    So you physically don't touch them, so you

1 have no idea if they actually leave?

2 A. I do not touch them.

3 Q. When I requested a copy of these letters,  
4 why were you unable to have the computer generate  
5 another copy and send it out?

6 MS. NAUMER: You know what, that's a legal  
7 area. Number one, we are not asked -- in  
8 responding to discovery, we are not required to  
9 create a new document. We provided the standard  
10 form, which is the standard form that when -- we  
11 should not have reissued another form letter for  
12 Mr. -- it wasn't something we were asked or  
13 required to do.

14 MR. THOMAS JAKUBIK: Yeah, I asked  
15 specifically for a copy of the letter that you  
16 sent; and it was a matter of pressing a button on  
17 a computer and the computer would have generated  
18 letter that you purportedly sent.

19 MS. NAUMER: That would be creating new  
20 evidence. I've represented a hundred times at  
21 this point that the original copy of the letter  
22 that was sent was not kept. The only thing

1       that's kept is a copy of the form.

2           JUDGE DOLAN: I think we did discuss this at a  
3       prior because I asked them why they didn't  
4       provide the original letter, and the response was  
5       that these letter are routinely typed over with  
6       new addresses. And I do recall discussing that.

7           MR. THOMAS JAKUBIK: Well, I understand that,  
8       but the computer, since it's already in the  
9       system, asking it to duplicate the instruction  
10      that it did on -- whatever these dates were -- it  
11      would duplicate the same item. So it wouldn't  
12      be, like, creating something new. You're just  
13      running it off again.

14          MS. NAUMER: We weren't asked to --

15          JUDGE DOLAN: All right. All right. Is there  
16      any relevance to this question, Mr. Jakubik?

17          MR. THOMAS JAKUBIK: Well, my challenge is, is  
18      that I only received one letter. So I'm trying  
19      to find out if these letters ever go out because  
20      I never got one.

21          JUDGE DOLAN: Okay.

22          MR. THOMAS JAKUBIK: So I'm looking for

1 evidence saying that they actually mailed it.

2 And this is what I'm being denied.

3 MS. NAUMER: That doesn't exist. The physical  
4 copy of the letter was not maintained. I mean,  
5 it goes off into the U.S. Postal Services, and we  
6 don't have access to that information.

7 I mean, the purpose of U.S. Postal  
8 Service is to deliver it to the address, and  
9 we've been down the road that the address that  
10 the computer would have generated would have been  
11 addressed to the complainant.

12 BY MR. THOMAS JAKUBIK:

13 Q. On the disconnection or the exchange, the  
14 meter exchange at 1711 Victoria Drive, when did  
15 you -- what date do you recall you received the  
16 request to replace the meter?

17 MS. NAUMER: To the extent you know.

18 THE WITNESS: I would say July, at the end of  
19 July.

20 BY MR. THOMAS JAKUBIK:

21 Q. Is there a ticket to that effect?

22 Forget that. Cancel it.

1           Where is the company directive that says  
2   that these things have to be replaced in 15 days  
3   or 20 days?

4           A.   I don't believe there is a document  
5   that -- stating that.

6           Q.   So there is no urgency.  There's nothing  
7   that states when they have to be replaced?

8           A.   There is just the internal deadline date.

9           Q.   And where is that document?

10          A.   There is no document on that.  I'm told  
11   that.

12          Q.   So there's nothing at Nicor that has a  
13   policy in place that's supposed to replace meters  
14   every year to printout this form.  You're  
15   advising me that you did this in 16 days from the  
16   date you got this request, but there's nothing in  
17   Nicor that says with and when or how urgent this  
18   is to replace?

19          A.   I'm not positive of what you're asking  
20   for.  The program has to be completed within one  
21   year, but there are a number of steps that you  
22   have to have to have an internal deadline date to

1 make that goal of the compliance issue.

2 Q. Right. Okay. So where is the document  
3 that has this schedule?

4 MS. NAUMER: Objection. Asked and answered.  
5 He's already said there is not a document where  
6 it's written down.

7 BY MR. THOMAS JAKUBIK:

8 Q. Whether the 16 days come from?

9 A. It was due to the fact of the meter  
10 exchange needing to be done by the 16th.

11 Q. Okay. How? What -- who decided it has to  
12 be done by the 16th? What document at Nicor says  
13 it has to be changed by the 16th?

14 A. There is no document that says it had to  
15 be changed by the 16th.

16 Q. So it's totally arbitrary when you picked  
17 out 16 days?

18 MS. NAUMER: Objection. Mischaracterization.

19 JUDGE DOLAN: Sustained.

20 Rephrase your question, Mr. Jakubik.

21 BY MR. THOMAS JAKUBIK:

22 Q. So there isn't any schedule that says how

1 often or when this has to be done? There's  
2 nothing in your system that has any type of a  
3 time line?

4 A. No, there isn't.

5 Q. So 16 days is -- just came from --

6 MS. NAUMER: Your Honor, I need to object to  
7 the repeated characterization of 16 days. 16  
8 days -- Mr. Krueger has testified that the first  
9 day he sent the letter was July 30th and that he  
10 did that soon after being notified of that --  
11 this meter was -- he never said exactly what that  
12 date was. So I think 16 is -- it's not in the  
13 record.

14 JUDGE DOLAN: For what it's worth,  
15 Mr. Jakubik, rephrase your question, please.

16 MR. THOMAS JAKUBIK: Well, I don't know how  
17 direct I can get. I'm just asking where is it in  
18 Nicor information that states how fast these  
19 items have to be replaced.

20 MS. NAUMER: I'm sorry, could you repeat the  
21 question.

22 MR. THOMAS JAKUBIK: Where is it in Nicor's

1 information instructions?

2 MS. NAUMER: Asked and answered.

3 BY MR. THOMAS JAKUBIK:

4 Q. So there isn't any date? Just whenever  
5 you feel like it?

6 MS. NAUMER: Objection. That's not a correct  
7 characterization of his testimony.

8 BY MR. THOMAS JAKUBIK:

9 Q. This is a big corporation. There must  
10 be -- are you trying to tell me that a  
11 corporation the size of Nicor there is  
12 actually -- there is no control and no written  
13 information that says where and -- you're saying  
14 there's a directive for one year but you -- there  
15 is no -- you don't have it.

16 MS. NAUMER: Objection. Argumentative.  
17 There's not a question within that statement.

18 BY MR. THOMAS JAKUBIK:

19 Q. Where is the directive that says you have  
20 to replace --

21 JUDGE DOLAN: When she objects, I need to  
22 respond.

1 MR. THOMAS JAKUBIK: Sorry, sir.

2 JUDGE DOLAN: All right. I am going to  
3 sustain that objection because there was not a  
4 question in that.

5 So if you want to proceed, go ahead.

6 BY MR. THOMAS JAKUBIK:

7 Q. On this letter that we have as  
8 Exhibit. . . well, letter 57.

9 JUDGE DOLAN: Nicor Exhibit 4.

10 BY MR. THOMAS JAKUBIK:

11 Q. If you received letter -- document 4, is  
12 anywhere in that letter say there's any urgency,  
13 in your mind?

14 A. Not reading it, no.

15 Q. So if you received a letter like that,  
16 you'd make a phone call but there's nothing in  
17 there that states you had to immediately make a  
18 phone call?

19 A. No. I would have just made the phone  
20 call.

21 Q. Right. In a reasonable period of time,  
22 right?

1           A.   What's reasonable?

2           Q.   Right.  What's reasonable?  That's why  
3   we're here.

4                   Can you on -- sorry, sorry, sorry.

5                   On the CAD ticket you have here, which  
6   0283, we referred to it before about allowing a  
7   phone call.  Just below that --

8           MS. NAUMER:  Could you hold on.

9           MR. THOMAS JAKUBIK:  I'm sorry.

10          JUDGE DOLAN:  Is it Nicor Exhibit 14?

11                   Oh, Nicor 11.

12          MR. THOMAS JAKUBIK:  That's 240.

13                   I have -- well, it's in the pile of  
14   stuff -- this one refers to instructions 2514, is  
15   what I'm trying to get to here.

16          BY MR. THOMAS JAKUBIK:

17           Q.   What does this refer to?

18           A.   2514 is the truck number, and he requested  
19   this ticket, the 09, because he was on the gas  
20   leak call and he had to replace the regulator; so  
21   he's asking -- he had probably sent the message  
22   in to the dispatcher saying I need a regulator

1 change ticket. And when the dispatcher does it  
2 so they know who, it goes to truck 2514.

3 Q. Okay.

4 A. That is their truck number.

5 JUDGE DOLAN: Okay.

6 MR. THOMAS JAKUBIK: Okay. I'm done.

7 MS. NAUMER: Could we take one break, your  
8 Honor, before we redirect.

9 JUDGE DOLAN: Yes.

10 (Whereupon, a brief  
11 recess was taken.)

12 JUDGE DOLAN: Back on the record.

13 REDIRECT EXAMINATION

14 BY

15 MS. NAUMER:

16 Q. Mr. Krueger, you had some questions asked  
17 from Mr. Jakubik regarding an obsolete system  
18 pursuant to which calls could be made out. And  
19 they're indicated, for example, on Exhibit 17.  
20 There's a call ahead allowed.

21 It is your testimony that that system no  
22 longer is operational?